

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WILLIE WINTERS, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 5357
)	
C.P.D. FILMORE & HOMAN,)	
)	
Defendants.)	

MEMORANDUM ORDER

Willie Winters, Jr. ("Winters") has mistakenly used the form of Petition for Writ of Habeas Corpus--Person in State Custody, made available by the Clerk of this District Court, to set out several claims of mistreatment by officers of the Chicago Police Department.¹ Because it seems clear from what Winters has set out that he is trying to claim a violation or violations of his constitutional rights that would be actionable under 42 U.S.C. §1983 ("Section 1983"),² this Court's minute clerk is contemporaneously sending him copies of the Section 1983 form made available by the Clerk's Office to nonlawyers. Winters is expected to fill out that form in an appropriate manner and to submit enough counterparts to provide an original for the court file, one copy for this Court's chambers file and one copy to be delivered to each defendant, together with submitting the

¹ Even though Winters is a nonlawyer, he should have recognized the inappropriateness of using that Clerk's-Office-furnished form, because he is not "in custody."

² This Court expresses no view as to the viability of Winters' allegations in those terms.

necessary summonses calling for the defendants' appearance.

In that latter respect, although this Court is of course barred from giving legal advice to litigants, Winters should understand that the "Chicago Police Department" is not a suable legal entity. Instead his Section 1983 lawsuit must target individual police officers if their identity is known, or if that is not the case he must sue "Unknown Police Officers" who are capable of being identified later if his lawsuit survives initial consideration.

Because this order does not involve a termination of Winters' lawsuit, this memorandum order turns to his accompanying In Forma Pauperis Application ("Application"). In that regard he has failed to complete answers to all of the questions on the Application form and, importantly, has failed to sign the form as well. New copies of the Application are therefore being transmitted to him together with the forms of Section 1983 Complaint, and any submissions that he makes hereafter must be complete in all respects.

Finally, Winters ought to act promptly to comply with this order. If he fails to submit the new documents called for here to the Clerk's Office on or before October 11, 2007, this Court will dismiss this action for failure to prosecute.



Milton I. Shadur
Senior United States District Judge

Date: September 26, 2007